

**Proposed DEL Seasonal Child Care rules compared to the current SCC WAC.**

**The comment deadline is July 18, 2009. Click [here](#) to find out where to attend a public hearing or send a written comment.**

<p align="center"><b>PROPOSED NEW AND REVISED WAC</b></p> <p align="center">(DEL is combining the Seasonal and Working Connections Child Care rules into WAC 170-290)</p>	<p align="center"><b>CURRENT SCC WAC 170-292</b></p> <p align="center">(DEL plans to repeal all of the WAC sections in this column)</p>
<b>INTRODUCTION</b>	
<p><b>(AMENDED) WAC 170-290-0001</b> (<del>What is the purpose of the working connections child care program?</del>) <b><u>Purpose and intent.</u></b> <u>(1) This chapter establishes the requirements for eligible families to receive subsidized child care through the working connections child care (WCCC) and seasonal child care (SCC) programs under applicable state and federal law, to the extent of available funds.</u></p> <p><u>...(3) The purpose of SCC, as provided in part III of this chapter, is to:</u></p> <p>    <u>(a) Assist families who are seasonally employed in agriculturally related work to access licensed child care; and</u></p> <p>    <u>(b) Consider the health and safety of children while they are in care and receiving child care subsidies.</u></p> <p><b>(NEW) 170-290-3501 Program funding; waiting lists.</b> The seasonal child care (SCC) program is subject to available funds and creates waiting lists when budget limits occur.</p>	<p><b>170-292-0001</b> <b>Introduction</b></p> <p>The seasonal child care program helps eligible families who are seasonally employed in agriculturally related work to access licensed, culturally and developmentally appropriate child care. Families access this child care subsidy program through contracted community agencies. To be eligible, families must meet income and program guidelines and must not be currently receiving temporary assistance to needy families (TANF). The seasonal child care program prioritizes services for families who are not eligible for working connections child care.</p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p><b>(NEW) 170-290-3510 SCC definitions.</b></p> <p>The following definitions apply only to part III of this chapter relating to seasonal child care (SCC):</p> <p>(1) "Application interview date" means the first date a consumer, as defined in WAC 170-290-0003, meets with the SCC contractor to see if the consumer is eligible for subsidy benefits.</p> <p>(2) "Child care plan" means a state form filled out by the SCC contractor that tells the consumer and provider:</p> <ul style="list-style-type: none"> <li>(a) When benefits start and end;</li> <li>(b) The amount of the copayment; and</li> <li>(c) The approved hours of care.</li> </ul> <p>(3) "SCC contractor" means the agency that DEL has contracted with to meet with families to see if they are eligible for the seasonal child care program. SCC contractors are located in several communities across the state. SCC contractors are responsible to follow the SCC rules that DEL has established.</p> <p>(4) "Seasonally available labor" or "seasonally available agricultural related work" means labor that is available only in a specific season during part of the calendar year. The labor is directly related to the cultivation, production, harvesting or processing of fruit trees or crops.</p> <p>(5) "Waiting list" means a list of families who are currently working and waiting for seasonal child care subsidies when funding is not available to meet the requests from all eligible families.</p>	<p><b>There is no "Definitions" section in the current SCC WAC</b></p>
<b>ELIGIBILITY REQUIREMENTS</b>	

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p><b>(NEW) 170-290-3520 Eligible consumers.</b></p> <p>(1) In SCC, an eligible consumer is not currently receiving temporary aid for needy families (TANF), lives in the state of Washington, has parental control of one or more children, and is the child's:</p> <ul style="list-style-type: none"> <li>(a) Parent, either biological or adopted;</li> <li>(b) Stepparent;</li> <li>(c) Legal guardian as verified by a legal or court document;</li> <li>(d) Adult sibling or step-sibling;</li> <li>(e) Aunt;</li> <li>(f) Uncle;</li> <li>(g) Niece or nephew;</li> <li>(h) Grandparent; or</li> <li>(i) Any of the above relatives with the prefix "great," such as great-aunt.</li> </ul> <p>(2) Consumers may be eligible for SCC benefits if they:</p> <ul style="list-style-type: none"> <li>(a) Meet eligibility requirements in this chapter;</li> <li>(b) Participate in an approved activity under WAC 170-290-3555; and</li> <li>(c) Have countable income at or below two hundred percent of the federal poverty guidelines (FPG) described in WAC 170-290-3640.</li> </ul> <p>(3) If a consumer's copayment, under WAC 170-290-0075, is higher than the maximum monthly state rate for all of the consumer's children in care, then the consumer is not eligible for SCC benefits.</p> <p>(4) Consumers are not eligible for SCC benefits if they:</p>	<p><b>170-292-0005</b></p> <p><b>Am I eligible for the SCC program?</b></p> <p>You may be eligible for the SCC program, if you are not currently receiving temporary aid for needy families (TANF) and:</p> <p>(1) You have parental control of one or more children, and you are the child's:</p> <ul style="list-style-type: none"> <li>(a) Parent;</li> <li>(b) Stepparent;</li> <li>(c) Guardian;</li> <li>(d) Adult sibling or step sibling;</li> <li>(e) Aunt;</li> <li>(f) Uncle;</li> <li>(g) Niece or nephew;</li> <li>(h) Grandparent; or</li> <li>(i) Any of the above relatives with the prefix "great," such as great aunt.</li> </ul> <p>(2) Your family is described under WAC 388-292-0010;</p> <p>(3) You are participating in an approved activity under WAC 388-292-0020;</p> <p>(4) You and your children are eligible under WAC 388-292-0015;</p> <p>(5) Your countable income as calculated in WAC 388-292-0050 is at or below the federal poverty level (FPL) described in WAC 388-290-0065; and</p> <p>(6) Your share of the child care cost, called a copayment (under WAC 388-290-0075(3)) is lower than the total DSHS maximum monthly payment for all children in the family who are eligible for SCC subsidized care.</p> <p>(7) You agree to participate in the cost of child care by making</p>

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<p>(a) Were employed with one employer more than eleven months in the previous twelve months;</p> <p>(b) Are receiving TANF benefits;</p> <p>(c) Have a monthly copayment that is higher than the rate the state will pay for all eligible children in care; or</p> <p>(d) (i) Will be away from the home for more than thirty days in a row; and</p> <p>(ii) Are the only parent in the household.</p>	<p>monthly copayments to the authorized child care provider, as calculated under WAC 388-290-0075(3).</p>
<p><b>(NEW) 170-290-3530 Verifying consumers' information</b></p> <p>1) A consumer must provide information to the SCC contractor to determine eligibility when:</p> <p>(a) The consumer initially applies for benefits;</p> <p>(b) The consumer reapplies for benefits; or</p> <p>(c) A change of circumstances occurs.</p> <p>(2) The SCC contractor may accept any verification that the consumer can easily obtain when it reasonably supports the consumer's statement of his or her circumstances. The verification that the consumer gives to the SCC contractor must:</p> <p>(a) Clearly relate to information the SCC contractor is requesting;</p> <p>(b) Be from a reliable source; and</p> <p>(c) Be accurate, complete, current and consistent.</p> <p>(3) The SCC contractor will accept a variety of forms of verification to show the consumer is eligible. For example, any of the following documents are accepted to show the child is in the home: School records, immunization records or birth certificates, or other type of documents.</p> <p>(4) If the verification that a consumer gives to the SCC</p>	<p><b>See 170-292-0065 below</b></p>

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<p>contractor is inconsistent, conflicting, outdated or confusing, the SCC contractor may:</p> <p>(a) Ask a consumer to provide the SCC contractor with more information or documentation or provide a collateral contact (a "collateral contact" is a statement from someone outside of the consumer's residence that knows the consumer's situation); or</p> <p>(b) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to the consumer's home to verify the consumer's circumstances.</p> <p>(5) If a consumer does not provide the SCC contractor with all of the verification that the SCC contractor has requested, the SCC contractor will determine if the consumer is eligible based on the information already available to the SCC contractor.</p>	

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**(NEW) 170-290-3540 Eligibility; family size**

DEL determines a consumer's family size by counting the individuals who live together in the same household as follows:

(1) If a consumer is:	Then DEL counts the following individuals as part of the family for SCC program eligibility:
(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children;	The consumer and the consumer's children.
(b) Unmarried parents living together who have at least one mutual child;	Both parents and all their children living in the household.
(c) Unmarried parents living together with no mutual children;	Each parent and their own children, as separate families.
(d) Married parents living together;	Both parents and all their children living in the household.
(e) A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew or niece; aunt; uncle; grandparent; or great-	Only the children and their income.

**170-292-0010**

**How is my family size defined for SCC program eligibility purposes?**

For SCC program eligibility purposes, your family size is defined by reviewing the individuals who live together in the same household as follows:

(1) If you are:	We count the following individuals as part of the family for SCC program eligibility:
(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children;	You and your children.
(b) Unmarried parents living together who have at least one mutual child;	Both parents and all their children living in the household.
(c) Unmarried parents living together with no mutual children;	Each parent and their own children, as separate families.
(d) Married parents living together;	Both parents and all their children living in the household.

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aunt, great-uncle, or great-grandparent.		(e) A person with parental control as defined in WAC <a href="#">388-292-0005</a> (1)(c) through (i);	Only the children and their income.
(f) A family member who is voluntarily out of the household for reasons other than employment, such as visiting a family member.	The consumer, the absent parent and the children.	(f) A parental figure who is out of the household because of employment requirements.	The parents and the children. All other family rules in this section apply.
(g) A family member who is out of the household because of employer requirements, such as working in a different community, and is expected to return to the household.	The consumer, the absent individual, and the children. Subsection (1)(b) and (d) of this section apply.	<b>(2) If your household includes siblings of the children requiring care who are:</b>	<b>All family rules in this section apply. In addition, we count the sibling as part of the family for SCC program eligibility (unless they are a parent themselves), as follows:</b>
(h) An incarcerated family member.	The absent person is removed from the household. DEL counts all remaining household members. All other family rules in this section apply.		
<b>(2) If the consumer's</b>		(a) Eighteen year olds who are enrolled in secondary education or general equivalency diploma (GED) program.	The eighteen year olds until they turn nineteen or complete high school/GED, whichever comes first.
<b>Then in addition, DEL</b>		(b) Twenty year olds, or less, who are participating in a	The sibling participating in the approved program up to

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<p><b>(NEW) 170-290-3550 Eligibility - special circumstances.</b></p> <p>(1) A consumer may be eligible for the SCC program when he or she:</p> <p>(a) Has children living with the consumer in Washington</p>	<p><b>170-292-0015</b></p> <p><b>Are there special circumstances when I might be eligible for the SCC program?</b></p> <p>You might be eligible for the SCC program if you are part of a</p>								



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<p>state:</p> <ul style="list-style-type: none"> <li>(i) That are younger than age thirteen; or</li> <li>(ii) That are thirteen to nineteen years old and under court supervision; or</li> <li>(iii) Less than nineteen years old and have a verified special need according to WAC 170-290-0220;</li> </ul> <p>(b) Is a parent in a two-parent family in which both parents work in seasonally available agricultural related work. If both parents are not employed in seasonally agricultural related work, the consumer may be eligible for SCC only when the other parent is "unable" to provide care for the children because of physical or mental restrictions. If a consumer claims one parent is unable to care for the children, the consumer must provide written documentation from a licensed medical or mental health professional that states the:</p> <ul style="list-style-type: none"> <li>(i) Reason the parent is unable to care for the children; and</li> <li>(ii) Expected duration and severity of the condition that keeps the parent from caring for the children.</li> </ul> <p>(2) The family's earned income must show fifty percent or more of his or her earned income for the previous twelve months comes from seasonally available agricultural related work..</p>	<p>two-parent family and one parent is not able or available to provide care for your children while the other is working or traveling to and from work.</p> <p>(1) "<b>Able</b>" means without a verifiable physical or mental disability that prevents you from caring for your child in a responsible manner.</p> <p>(2) "<b>Available</b>" means not participating in an approved work activity under WAC 388-292-0020.</p>
<p><b>(NEW) 170-290-3555 Eligibility - approved activities</b></p> <p>(1) A consumer may be eligible for SCC benefits for up to sixteen hours per day for the time he or she is involved in seasonally available agricultural related work in:</p> <ul style="list-style-type: none"> <li>(a) Washington state; or</li> <li>(b) A bordering state within forty miles of Washington state.</li> </ul> <p>(2) When the consumer is part of a two-parent family, both</p>	<p><b>170-292-0020</b></p> <p><b>What activities must I be involved in to be eligible for the SCC program?</b></p> <p>You may be eligible for SCC program subsidies for up to sixteen hours per day for the time you are involved in:</p> <p>(1) Active employment in seasonally available agriculturally related work (in a two parent family, both parents must be so employed) in Washington state or in a bordering state within forty</p>

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<p>parents must be employed as described in subsection (1) of this section;</p> <p>(3) Travel time between the child care location and the employment location only;</p> <p>(4) Job search, of no more than five days, if the consumer's seasonally available agricultural related work ends and he or she is still eligible and continues to need child care; and</p> <p>(5) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.</p>	<p>miles of the Washington state border;</p> <p>(a) The agriculturally related work must be one of the following:</p> <p>(i) Seasonally available labor directly related to the cultivation, production, or processing of crops;</p> <p>(ii) Seasonally available labor directly related to the cultivation or harvesting of fruit trees.</p> <p>(b) "Seasonally available labor" means labor that depends upon, and is available only during, a specific season that is identified with certain activities or crops, and occurs only during a portion of the calendar year.</p> <p>(2) Travel time between the child care location and the work site only;</p> <p>(3) Job search, of no more than five days, if your seasonally available agricultural job ends and you are still eligible and continue to need child care; or</p> <p>(4) Sleep time, up to eight hours per day when needed, if you work nights and sleep days.</p>
RIGHTS AND RESPONSIBILITIES	
<p><b>(NEW) 170-290-3560 Consumers' rights.</b></p> <p>When a consumer applies for or receives SCC benefits, he or she has the right to:</p> <p>(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;</p> <p>(2) Have the consumer's application accepted and acted upon within thirty days;</p> <p>(3) Be informed, in writing, of the consumer's legal rights and responsibilities related to SCC benefits;</p>	<p><b>170-292-0060</b></p> <p><b>What rights do I have when I apply for or receive SCC program subsidies?</b></p> <p>When you apply for or receive SCC program subsidies, you have the right to:</p> <p>(1) Be treated politely and fairly - without regard to race, color, age, gender, sexual orientation, religion, creed, political affiliation, national origin, or disability (physical, mental or sensory);</p> <p>(2) Have an application accepted and acted upon within thirty days;</p> <p>(3) Be informed, in writing, of your legal rights and responsibilities</p>

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<p>(4) Have the consumer's information shared with other agencies only when required by federal or state regulations;</p> <p>(5) Be allowed to choose a provider as long as the provider meets requirements in WAC 170-290-3750;</p> <p>(6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3570;</p> <p>(7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3860;</p> <p>(8) Ask to speak to the SCC contractor's supervisor or administrator to review a decision or action affecting the consumer's benefits without affecting the consumer's right to an administrative hearing;</p> <p>(9) Have interpreter or translator services provided by the SCC contractor within a reasonable amount of time and at no cost to the consumer;</p> <p>(10) Refuse to speak to a fraud early detection (FRED) investigator from the department of social and health services division of fraud investigations when they ask to come into your home. This request will not affect eligibility for SCC program subsidies. If the consumer refuses to cooperate with the investigator at a later date, it could affect his or her benefits;</p> <p>(11) Access his or her child at all times while the child is in child care;</p> <p>(12) Terminate child care without cause and without notice to the provider. Notice must be given to the SCC contractor within five days of termination; and</p> <p>(13) Not be charged by the consumer's licensed or certified provider, or be made to pay, for:</p> <p style="padding-left: 40px;">(a) The difference between their private rate and the</p>	<p>related to SCC program subsidies, in your language;</p> <p>(4) Have your information held confidentially as required by chapter 42.17 RCW, chapter 388-01 WAC and other applicable state and federal laws;</p> <p>(5) Get a written notice, at least ten days before changes are made to lower or stop SCC program subsidy payments except in WAC 388-292-0150;</p> <p>(6) Ask for a fair hearing if you do not agree with your eligibility decision;</p> <p>(7) Ask a supervisor or administrator to review a decision or action affecting your SCC program subsidies without affecting the right to a fair hearing;</p> <p>(8) Have interpreter or translator service for SCC program matters within a reasonable amount of time and at no cost to you;</p> <p>(9) Be allowed to choose your provider as long as the provider meets the requirements in WAC 388-292-0085; and</p> <p>(10) Refuse to speak to a fraud early detection (FRED) investigator from the division of fraud investigations. You do not have to let an investigator into your home at that time. You may ask the investigator to come back. This request will not affect your eligibility for SCC program subsidies.</p>

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<p>state maximum child care subsidy rate, when their private rate for child care or the registration fee is higher;</p> <ul style="list-style-type: none"> <li>(b) Any day when the consumer's child is absent;</li> <li>(c) Vacation days when the provider chooses to close;</li> <li>(d) A higher amount than the state allows for field trips;</li> <li>(e) A preschool tuition fee in addition to regular child care services; or</li> <li>(f) Child care services after the final day of care, when the provider chooses to stop caring for the consumer's children.</li> </ul>	
<p><b>(NEW) 170-290-3565 Consumers' responsibilities.</b> When a consumer applies for or receives SCC benefits, he or she must:</p> <ul style="list-style-type: none"> <li>(1) Give the SCC contractor correct and current information so that the SCC contractor can determine the consumer's eligibility and authorize child care payments correctly;</li> <li>(2) Choose a provider who meets requirements of WAC 170-292-3750;</li> <li>(3) Leave the consumer's children with his or her provider while the consumer is in SCC approved activities. If the consumer is not in an approved activity and wants to use the provider, he or she must pay the provider if the provider wants payment;</li> <li>(4) Pay for additional child care that exceeds the authorization based on the same fees that are charged to other families;</li> <li>(5) Pay, or make arrangements for someone to pay, the consumer's SCC copayment directly to the child care provider. The child care plan tells the consumer and the provider that subsidy benefits are approved, when the subsidy benefits begin and when benefits stop, and how many hours a day benefits are approved;</li> </ul>	<p><b>170-292-0065</b> <b>What responsibilities do I have when I apply for or receive SCC program subsidies?</b> When you apply for or receive SCC program subsidies you have a responsibility to:</p> <ul style="list-style-type: none"> <li>(1) Give the SCC program authorizing worker the information necessary to determine your eligibility and authorize child care subsidies correctly;</li> <li>(2) Choose a provider who meets requirements of WAC 388-292-0085 and make your own child care arrangements;</li> <li>(3) Pay, or make arrangements to have someone pay, your SCC program copayment directly to your child care provider;</li> <li>(4) Sign your child in and out of care each day with your full legal signature if the care is provided by a child care center;</li> <li>(5) Notify the SCC program authorizing worker before changing providers;</li> <li>(6) Notify the SCC program authorizing worker within ten days if: <ul style="list-style-type: none"> <li>(a) Your work status, work hours, or employer changes;</li> <li>(b) You need to change the hours of child care;</li> <li>(c) You receive TANF assistance;</li> </ul> </li> </ul>

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<p>(6) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;</p> <p>(7) Sign his or her children in and out of child care as provided in WAC 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider; and</p> <p>(8) Provide the information requested by the SCC contractor or the department of social and health services fraud early detection (FRED) investigator. If the consumer refuses to provide the information requested within ten days, it could affect his or her benefits. If the SCC contractor determines that a consumer is not cooperating with the requested information, the consumer will not be eligible for SCC benefits. The consumer may become eligible again when he or she meets SCC requirements in part III of this chapter, or when thirty days have passed since the consumer became ineligible.</p>	<p>(d) Your children become eligible for a migrant headstart program;</p> <p>(e) Your household size changes, such as any family member moves in or out of your home;</p> <p>(f) Your home address or telephone number changes; or</p> <p>(g) Your amount of child support paid out or received changes</p> <p>(7) Cooperate with auditors from quality assurance and the division of fraud investigations.</p> <p><b>170-292-0102</b></p> <p><b>When can my child care provider charge me more than the amount authorized by the SCC program?</b></p> <p>Your child care provider may charge you more than the amount authorized by the SCC program for child care services when:</p> <p>(1) You are late picking up your child at the customary time due to personal reasons (i.e., shopping, appointments, etc.);</p> <p>(2) You pick up your child after the provider's operating hours and the provider has a policy to charge all families an after hour charge;</p> <p>(3) You request an optional enrichment program for your child and all parents who want it have to pay extra (i.e., gymnastics, swimming, dancing, etc.); or</p> <p>(4) You pay the copayment later than agreed upon and the provider has a late fee policy for all families.</p>
<p><b>(NEW) 170-290-3570 Notification of changes</b></p> <p>When a consumer applies for or receives SCC benefits, he or she must:</p> <p>(1) Notify the SCC contractor, within five days, of any change in providers;</p> <p>(2) Notify his or her provider within ten days when the SCC</p>	<p><b>See 170-292-0065 above.</b></p>

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<p>contractor changes his or her child care authorization;            (3) Give notice to the SCC contractor within ten days of any change in the consumer's:</p> <ul style="list-style-type: none"> <li>(a) Number of child care hours needed (more or less hours);</li> <li>(b) Child becoming eligible for migrant Head Start or another child care program;</li> <li>(c) Household income, including any new receipt of a TANF grant or child support increases or decreases;</li> <li>(d) Household size such as any family member moving in or out of his or her home;</li> <li>(e) Employment hours such as starting, stopping or changing employers;</li> <li>(f) Home address and telephone number; or</li> <li>(g) Child support payments made by the consumer.</li> </ul>	
<p><b>(NEW) 170-290-3580 Failure to report changes.</b>            (1) If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, DEL may establish an overpayment to the consumer per WAC 170-290-3850 or the consumer may have to pay additional costs, such as a higher copayment.            (2) The consumer may receive an overpayment beyond what the provider is allowed to bill to include billing for absent days (see publication <i>Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers</i>, DEL 22-877, March 2007).</p>	<p><b>See WAC 170-292-0155 below.</b></p>
<p><b>(NEW) 170-290-3590 SCC contractor's responsibilities to consumers.</b></p>	<p><b>170-292-0070 Who are the SCC program staff and what responsibilities do</b></p>

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<p>SCC contractors are community agencies that contract with DEL to perform SCC program authorizations. The SCC contractors and their staff must:</p> <ol style="list-style-type: none"> <li>(1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;</li> <li>(2) Authorize SCC program subsidies for a consumer's children based on eligibility criteria established by DEL, as defined in this chapter;</li> <li>(3) Ask if a consumer has received, or is currently receiving, child care services from another subsidy program; and if he or she has received a copy of his or her termination letter from that program;</li> <li>(4) Ask if a consumer has applied, and been denied, for working connections child care (WCCC); and if he or she has, verify his or her denial from that program;</li> <li>(5) Complete intake documents in a consumer's presence, based on information he or she provides;</li> <li>(6) Accept a variety of forms of verification and may not specify the type of documentation required;</li> <li>(7) Authorize payments only to a child care provider of a consumer's choice who meets the requirements in WAC 170-290-3750 and who allows the consumer to access his or her children whenever they are in care;</li> <li>(8) Authorize payments only when no adult in a consumer's family (under WAC 170-290-3540) is able or available to care for the consumer's children as defined in WAC 170-290-3550;</li> <li>(9) Give a consumer a SCC program approved child care plan in order to enroll his or her children in licensed or certified child care;</li> </ol>	<p><b>they have?</b></p> <p>The SCC program staff work for community agencies who contract with DSHS to perform SCC program authorizations. They are responsible to:</p> <ol style="list-style-type: none"> <li>(1) Authorize SCC program subsidies for your children based on eligibility criteria established by DSHS, as defined in this chapter;</li> <li>(2) Ask if you have received, or are currently receiving, child care services from another subsidy program; and if you have, receive a copy of your termination letter from that program;</li> <li>(3) Ask if you have applied, and been denied, for working connections child care; and if you have, verify your denial from that program;</li> <li>(4) Complete intake documents in your presence, based on information you provide;</li> <li>(5) Authorize payments only to a child care provider of your choice who meets the requirements in WAC 388-292-0085 and who allows you to see your children whenever they are in care;</li> <li>(6) Authorize payments only when no adult in your family is "able or available" to care for your children as defined in WAC 388-292-0015;</li> <li>(7) Give you an SCC program approved child care plan in order to enroll your children in licensed or certified child care;</li> <li>(8) Inform you of: <ol style="list-style-type: none"> <li>(a) Your copayment amount as determined in WAC 388-292-0050 and defined in WAC 388-290-0075(3);</li> <li>(b) Your rights and responsibilities under the SCC program when you apply or reapply;</li> <li>(c) The types of child care providers the SCC program can pay;</li> <li>(d) The community resources that can help you select child care when needed;</li> </ol> </li> </ol>



PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>(10) Inform a consumer of:</p> <ul style="list-style-type: none"> <li>(a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;</li> <li>(b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;</li> <li>(c) The types of child care providers the SCC program will pay;</li> <li>(d) The community resources that can help the consumer select child care when needed;</li> <li>(e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and</li> <li>(f) The consumer's rights to an administrative hearing under the SCC program;</li> </ul> <p>(11) Provide prompt child care authorizations to a consumer's child care provider;</p> <p>(12) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:</p> <ul style="list-style-type: none"> <li>(a) SCC eligibility;</li> <li>(b) Copayment; or</li> <li>(c) Providers; and</li> </ul> <p>(13) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.</p>	<ul style="list-style-type: none"> <li>(e) Other options for child care subsidies, if you do not qualify for SCC program subsidies; and</li> <li>(f) Your rights to a fair hearing under the SCC program;</li> </ul> <p>(9) Respond to you within ten days if you report a change of circumstance that affects your SCC program eligibility or subsidies; and</p> <p>(10) Authorize child care payments promptly.</p>
INCOME AND COPAYMENT CALCULATIONS	
<p><b>(NEW) 170-290-3610 Countable income</b></p> <p>DEL counts income as money a consumer earns or receives from:</p> <ul style="list-style-type: none"> <li>(1) Wages and commissions earned from employment;</li> <li>(2) Unemployment compensation;</li> <li>(3) A TANF or other welfare grant;</li> </ul>	<p><b>170-292-0035</b></p> <p><b>What income is counted when determining eligibility and copayment for the SCC program?</b></p> <p>To determine income eligibility and copayment for the SCC program, the following income is counted:</p> <ul style="list-style-type: none"> <li>(1) Wages and commissions earned from employment;</li> </ul>



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PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>(4) Child support payments received;  (5) Supplemental Security Income (SSI);  (6) Other Social Security payments, such as Social Security Administration (SSA) and Social Security disability insurance (SSDI);  (7) Refugee assistance payments;  (8) Payments from the Veterans' Administration;  (9) Pensions or retirement income;  (10) Payments from labor and industries (L&amp;I), or disability payments;  (11) Inheritance;  (12) Reportable gambling winnings; and  (13) Other types of income not listed in WAC 170-290-3630.</p>	<p>(2) Unemployment compensation;  (3) A TANF or other welfare grant;  (4) Child support payments received;  (5) Supplemental Security Income (SSI);  (6) Other Social Security payments, such as SSA and SSDI;  (7) Refugee assistance payments;  (8) Payments from the Veterans' Administration;  (9) Pensions or retirement income;  (10) Payments from labor and industries (L&amp;I), or disability payments;  (11) Inheritance;  (12) Reportable gambling winnings; and  (13) Other types of income not listed in WAC 388-292-0045.</p>
<p><b>(NEW) 170-290-3620</b>  <b>Calculation of income</b>  For the SCC program, DEL uses a consumer's countable income when determining his or her income eligibility and copayment. DEL determines a consumer's average monthly income by totaling all income earned in the past twelve months, as listed in WAC 170-290-3610, and dividing by twelve. The last month of income that is counted is the month before the consumer applies for SCC.</p>	<p><b>170-292-0040</b>  <b>How is my family's average monthly income calculated for the SCC program?</b>  For the SCC program, your average monthly income is calculated by totaling all income earned in the past twelve months, as listed in WAC 388-292-0035, and dividing by twelve.</p>
<p><b>(NEW) 170-290-3630</b>  <b>Excluded income and deductions</b>  (1) The SCC program does not count the following income types when determining a consumer's income eligibility and copayment:  (a) Savings accounts;</p>	<p><b>170-292-0045</b>  <b>What is not counted, or is deducted, when figuring income eligibility for the SCC program?</b>  (1) For the SCC program the following is not counted when figuring income eligibility and copayment:  (a) Savings accounts;</p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>(b) Money received from sale of real property, such as a house, or personal property, such as a car;</p> <p>(c) Tax refunds;</p> <p>(d) Earned income credits;</p> <p>(e) One-time insurance settlement payments;</p> <p>(f) Capital gains;</p> <p>(g) Basic Food program;</p> <p>(h) Income earned by children as described in WAC 170-290-3540;</p> <p>(i) Benefits received by children of Vietnam War veterans who are diagnosed with all forms or manifestations of spina bifida (except spina bifida occulta); and</p> <p>(j) Government economic stimulus payments.</p> <p>(2) SCC deducts the amount a consumer pays for child support from his or her countable income when figuring his or her eligibility and copayment for the SCC.</p>	<p>(b) Money received from sale of personal property such as a house or car;</p> <p>(c) Tax refunds;</p> <p>(d) Earned income credits;</p> <p>(e) One-time insurance settlement payments;</p> <p>(f) Capital gains;</p> <p>(g) Basic Food program;</p> <p>(h) Income earned by children as described in WAC 388-292-0010(2).</p> <p>(2) For the SCC program the amount you pay for child support is deducted from your countable income.</p>
<p><b>(NEW) 170-290-3640 Determining income eligibility and copayment.</b></p> <p>(1) For the SCC program, DEL determines a consumer's family's income eligibility and copayment by:</p> <p>(a) The consumer's family size as defined under WAC 170-290-3540;</p> <p>(b) The consumer's average monthly income as calculated under WAC 170-290-3620;</p> <p>(c) The consumer's family's average monthly income as compared to the federal poverty guidelines (FPG); and</p> <p>(d) The consumer's family's average monthly income as compared to the copayment chart defined in WAC 170-290-0075.</p>	<p><b>170-292-0050</b></p> <p><b>How is my family's income eligibility and copayment amount determined for the SCC program?</b></p> <p>For the SCC program, your family's income eligibility and copayment is determined by:</p> <p>(1) Your family size as defined under WAC 388-292-0010;</p> <p>(2) Your average monthly income as calculated under WAC 388-292-0040;</p> <p>(3) Your family's average monthly income as compared to the federal poverty level (FPL); and</p> <p>(4) Your family's average monthly income as compared to the copay chart defined in WAC 388-290-0075(3).</p> <p>(5) If your family's income is above the FPL as defined in WAC</p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>(2) If a consumer's family's income is above the FPG as defined in WAC 170-290-0075, his or her family is not eligible for the SCC program.</p> <p>(3) SCC does not prorate the copayment when a consumer uses care for part of a month.</p> <p>(4) The FPG is updated every year on April 1. The SCC eligibility level is updated at the same time every year to remain current with the FPG.</p> <p>(5) SCC shall assign a copayment amount based on the family's countable income. The copayment amount will be on the consumer's child care plan. The consumer pays the copayment directly to the provider.</p>	<p>388-290-0075(3), your family is not eligible for the SCC program.</p>
<p><b>(NEW) 170-290-3650 Change in copayment.</b> A consumer's SCC program copayment could change when:</p> <p>(1) DEL makes a mass change in subsidy benefits due to a change in law or program funding;</p> <p>(2) The consumer's family size increases;</p> <p>(3) The SCC contractor makes an error in the consumer's copayment computation;</p> <p>(4) The consumer did not report all income, activity and household information at the time of eligibility determination or application/reapplication;</p> <p>(5) The consumer is approved for a new eligibility period; or</p> <p>(6) If a consumer's copayment changes during his or her eligibility period, the change is effective:</p> <p style="padding-left: 40px;">(a) On the first day of the month following the change, when:</p> <p style="padding-left: 80px;">(i) The report is made to the SCC contractor or the information is learned by the contractor within ten or more days</p>	<p><b>170-292-0055</b> <b>When might my SCC program copayment change?</b> Your SCC program copayment could change when:</p> <p>(1) Your family size increases or decreases; or</p> <p>(2) You are reauthorized for the SCC program and your new average monthly income places you in a different copayment category.</p> <p>(3) There is a mass change in subsidy benefits due to a change in law or program funding.</p>

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PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>after the change as provided in WAC 170-290-3570;</p> <ul style="list-style-type: none"> <li>(ii) The consumer receives ten days written notice; and</li> <li>(iii) The copayment is increasing; or</li> </ul> <p>(b) On the first day of the month that the change occurred when;</p> <ul style="list-style-type: none"> <li>(i) The report is made to the SCC contractor or the information is learned by the contractor within ten days or less after the change as provided in WAC 170-290-3570; and</li> <li>(ii) The copayment is decreasing.</li> </ul>	
<p><b>(NEW) 170-290-3660 Eligibility period.</b></p> <p>The SCC contractor may approve a consumer for a period up to six months. The first month of eligibility is the same month that child care begins. A consumer's eligibility may end before his or her end date as stated in WAC 170-290-3855.</p>	<p><b>See WAC 170-292-0135 below.</b></p>
START DATES AND ELIGIBILITY PERIOD	
<div> <div> <p><b>(NEW) 170-290-3665</b></p> <p><b>When SCC benefits start</b></p> <p>The consumer's child care plan will tell the consumer when the benefits start and end.</p> <p>(1) The SCC contractor authorizes child care subsidies when:</p> <ul style="list-style-type: none"> <li>(a) The consumer turns in all of his or her eligibility paperwork to the SCC contractor;</li> <li>(b) The SCC contractor determines that the consumer is eligible for the program; and</li> <li>(c) The consumer starts his or her children in care with an approved child care provider.</li> </ul> <p>(2) After the SCC contractor decides that a consumer is eligible, the date the subsidy begins depends upon when the consumer applied and when the consumer turned in all of the paperwork needed as follows:</p> </div> <div> <p><i>(See below for the current SCC WAC 170-292-0115)</i></p> </div> </div>	

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PROPOSED NEW AND REVISED WAC		CURRENT SCC WAC (Will be repealed)
If at the time of application the consumer:	And the consumer turns all paperwork in:	Then the child care benefits begin:
(a) Has not begun work yet,	Within 14 days of the job starting,	The first day of the job,
(b) Has not begun work yet,	15-29 days after the job starts,	The day after the paperwork is turned in.
(c) Has not begun work yet,	30 days after the job starts,	The application is denied and the consumer must reapply.
(d) Is working,	14 days of the application interview date,	The day the consumer either calls or comes in to the SCC contractor's office to apply for SCC benefits.
(e) Is working,	15 – 29 days after the application interview date,	The day after the paperwork is turned in.
(f) Is working,	30 days after the application interview date,	The application is denied and the consumer must reapply.
(See the new WAC 170-290-3665 above)		<b>170-292-0115</b> <b>If I am determined eligible for the SCC program, when does my child care subsidy begin?</b> Your SCC program subsidy will begin according to the following situations: (1) If you are determined eligible before your employment starts, your subsidy begins on the first day of your job that your children

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
	<p>are in approved child care;</p> <p>(2) If you are determined eligible after your job begins because:</p> <p>(a) You requested an appointment before your job started but were denied one, your subsidy begins on the first day of your job that your children were in approvable child care;</p> <p>(b) You did not provide all necessary documents when requested, your subsidy begins on the first day after you are determined eligible for the program, that you work and your children are in authorized child care.</p> <p>(c) You did not request an appointment until after your job began, your subsidy begins on the first day after you are determined eligible for the program, that you work and your children are in authorized child care.</p>
<p><b>170-290-3670</b>  <b>Preauthorization for the SCC program</b>  (1) A consumer may be preauthorized for the SCC program, before his or her job starts, if:</p> <p>(a) The consumer meets all eligibility criteria for the SCC program;</p> <p>(b) The consumer has employment verification that shows a future start date; and</p> <p>(c) The program does not have a waiting list.</p> <p>(2) Child care benefits begin according to the table in 170-290-3665.</p>	<p><b>170-292-0120</b>  <b>Can I be authorized for the SCC program before I start a job?</b>  You may be preauthorized for the SCC program, before your job starts, if:</p> <p>(1) You are meet all eligibility criteria for the SCC program; and</p> <p>(2) You have employment verification that shows a future start date.</p>
<p>(See new WAC 170-290-3665 above)</p>	<p><b>170-292-0125</b>  <b>I am preauthorized for the SCC program, when do my SCC program child care subsidies begin?</b>  If you are preauthorized for the SCC program, your SCC</p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
	<p>program child care subsidies begin according to the following conditions:</p> <p>(1) If you are preauthorized, AND you present verification of the date your employment starts to the SCC program authorizing worker within thirty days of your intake interview, your subsidy payments can begin:</p> <ul style="list-style-type: none"> <li>(a) The day you present your documentation; or</li> <li>(b) A maximum of fourteen days prior to the day you present the documentation, if you were working and your children were in approvable child care.</li> </ul> <p>(2) If you are preauthorized but no verification of an employment start date is provided to the SCC program authorizing worker within thirty days of the preauthorization, no subsidy payments can be made. Your preauthorization is closed and you must reapply to the SCC program.</p>
<p><b>(NEW) 170-290-3690 Denial of benefits; date of redetermining eligibility.</b></p> <p>(1) The SCC contractor sends a consumer a denial letter when the consumer has applied for child care and the consumer:</p> <ul style="list-style-type: none"> <li>(a) Is not eligible due to the consumer's: <ul style="list-style-type: none"> <li>(i) Family composition;</li> <li>(ii) Income; or</li> <li>(iii) Activity; or</li> </ul> </li> <li>(b) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.</li> </ul> <p>(2) If a consumer turns in information or otherwise meets eligibility requirements after the denial letter is sent, the consumer's benefits begin according to WAC 170-290-3665.</p>	<p><b>No comparable current SCC WAC.</b></p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
NOTICE	
<p><b>(NEW) 170-290-3720 When notice of payment changes</b> The SCC contractor provides SCC consumers with at least ten days written notice of changes to payments related to the suspension, reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730.</p>	<p><b>170-292-0145</b> <b>When might I receive advance and adequate notice of change in my SCC program subsidies?</b> (1) You are given advance and adequate notice of changes in your SCC program subsidies when the change:     (a) Results in a suspension, reduction, or termination of child care subsidies; or     (b) Is not exempt from advance and adequate notice of payment changes as noted in WAC 388-292-0150. (2) "<b>Advance and adequate notice</b>," means a written notice from the SCC program authorizing agency mailed at least ten days before the date of the intended action begins. It includes the Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.</p>
<p><b>(NEW) 170-290-3730 Notice of payment changes is not required.</b> The SCC contractor does not give a consumer notice if the consumer: (1) Tells the SCC contractor that he or she no longer wants SCC; (2) Has moved and his or her whereabouts are unknown to the SCC contractor; (3) Is receiving duplicate child care benefits; (4) Has a current eligibility period that is scheduled to end; (5) Has a new eligibility period that results in a change in child</p>	<p><b>170-292-0150</b> <b>When won't I receive advance and adequate notice of changes in my SCC program subsidies?</b> You will not receive advance and adequate notice of changes in your SCC program subsidies when: (1) You tell the SCC program authorizing worker you no longer want SCC program subsidies; (2) Your eligibility review results in a change to your child care subsidies; (3) You are authorized for duplicate child care subsidies; (4) Your whereabouts are unknown to the SCC program</p>



PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>care benefits; or (6) Is receiving child care at a location that does not meet requirements under WAC 170-290-3750.</p>	<p>authorizing worker; or (5) There is a mass change in subsidy benefits due to a change in law or program funding.</p>
ELIGIBLE PROVIDERS AND RATES	
<p><b>(NEW) 170-290-3750 Eligible child care providers.</b> To receive payment under the SCC program, a consumer's child care provider must be:</p> <ul style="list-style-type: none"> <li>(1) Currently licensed as required by chapter 43.215 RCW and chapters 170-295, 170-296, or 170-151 WAC;</li> <li>(2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. SCC pays the lesser of the following to qualified child care facilities in bordering states: <ul style="list-style-type: none"> <li>(a) The provider's private pay rate for that child; or</li> <li>(b) The state maximum child care subsidy rate for the DSHS region where the child resides;</li> </ul> </li> <li>(3) Exempt from licensing but certified by DEL, such as: <ul style="list-style-type: none"> <li>(a) Tribal child care facilities that meet the requirements of tribal law;</li> <li>(b) Child care facilities on a military installation; and</li> <li>(c) Child care facilities operated on public school property by a school district;</li> </ul> </li> <li>(4) Seasonal day camps that have a contract with DEL to provide subsidized child care and are: <ul style="list-style-type: none"> <li>(a) Of a duration of three months or less;</li> <li>(b) Engaged primarily in recreational or educational activities; and</li> </ul> </li> </ul>	<p><b>170-292-0085</b> <b>What child care providers can I choose under the SCC program?</b> To receive payment under the SCC program, the child care provider you choose must be:</p> <ul style="list-style-type: none"> <li>(1) Licensed as required by chapter 74.15 RCW including: <ul style="list-style-type: none"> <li>(a) Family child care homes; and</li> <li>(b) Child day care centers.</li> </ul> </li> <li>(2) Exempt from licensing but certified by DSHS including: <ul style="list-style-type: none"> <li>(a) Tribal child care facilities that meet the requirements of tribal law;</li> <li>(b) Child care facilities on a military installation; and</li> <li>(c) Child care facilities operated on public school property by a school district.</li> </ul> </li> <li>(3) Seasonal day camps that contract with DSHS to provide subsidized child care and are: <ul style="list-style-type: none"> <li>(a) Of a duration of three months or less;</li> <li>(b) Engaged primarily in recreational or educational activities; and</li> <li>(c) Accredited by the American Camping Association (ACA).</li> </ul> </li> </ul>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
(c) Accredited by the American Camping Association (ACA).	
<p><b>(NEW) 170-290-3760 SCC subsidy rates; effective date.</b>            DEL child care subsidy rates in this part are effective as of the date stated in WAC 170-290-0180.</p>	<p><b>170-292-0090</b>  <b>When are the DSHS child care subsidy rates, used by the SCC program in this chapter, effective?</b>            DSHS child care subsidy rates in this chapter are effective as of the date stated in WAC 388-290-0180, when your family:            (1) Is newly authorized to receive child care subsidies;            (2) Has a household change that requires your authorization to be updated; or            (3) Is reauthorized to continue receiving child care subsidies.</p>
<p><b>(NEW) 170-290-3770 Authorized SCC payments.</b>            The SCC program may authorize payments to licensed/certified child care providers for:            (1) Basic child care either full day or half day, at rates listed in the chart in WAC 170-290-0200 and 170-290-0205, including on Saturdays and Sundays:                (a) A full day of child care when care is needed for five to ten hours per day;                (b) A half day of child care when care is needed for less than five hours per day;            (2) A registration fee, according to WAC 170-290-0245;            (3) Subsidy rates for five-year old children according to WAC 170-290-0185;            (4) The field trip fees in WAC 170-290-0247;            (5) The nonstandard hours bonus in WAC 170-290-0249; and            (6) Special needs care when the child has a documented special need and a documented need for a higher level of care,</p>	<p><b>170-292-0100</b>  <b>What services can be authorized for the SCC program, and at what rates?</b>            The SCC program authorizes payments to licensed/certified child care providers for:            (1) Basic child care either full day or half day, at rates listed in WAC 388-290-0200 and 388-290-0205:                (a) A full day of child care is authorized when care is needed for five to ten hours per day;                (b) A half day of child care is authorized when care is needed for less than five hours per day;            (2) A registration fee, according to WAC 388-290-0245 (1) and (2);            (3) An infant bonus, according to WAC 388-290-0250, providing an infant bonus for that infant has not previously been paid to the provider by another DSHS subsidy program; and            (4) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to</p>

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according to WAC 170-290-0220, 170-290-0225, and 170-290-0230.	WAC 388-290-0220, 388-290-0225, and 388-290-0230.
<p><b>(NEW) 170-290-3790 When additional SCC subsidy payments are authorized.</b></p> <p>DEL may authorize additional SCC program subsidy payments for more than the basic child care subsidy daily rate when:</p> <ul style="list-style-type: none"> <li>(1) Needed to accommodate a family's work schedule;</li> <li>(2) Employer verification of work schedule is presented; and</li> <li>(3) More than ten hours of care is provided per day (up to a maximum of sixteen hours a day) and the provider's policy is to charge all families for these extra hours.</li> </ul>	<p><b>170-292-0105</b></p> <p><b>When can additional SCC program subsidy payments be authorized?</b></p> <p>Additional SCC program subsidy payments can be authorized for more than the basic DSHS child care subsidy daily rate when:</p> <ul style="list-style-type: none"> <li>(1) Needed to accommodate a family's work schedule;</li> <li>(2) Employer verification of work schedule is presented; and</li> <li>(3) The child care provider has a written policy to charge all clients additional money for child care provided more than ten hours per day; or</li> <li>(4) Child care is not available at the DSHS daily rate within a reasonable distance, in which case the provider's usual daily rate is authorized.</li> </ul>
REVIEW PROCESS	
<p><b>(NEW) 170-290-3820 Review of eligibility and copayment information.</b></p> <p>A consumer's eligibility and copayment information for the SCC program are looked at:</p> <ul style="list-style-type: none"> <li>(1) When the consumer applies for the SCC program; and</li> <li>(2) At least every six months.</li> </ul>	<p><b>170-292-0135</b></p> <p><b>When are my eligibility and copayment information for the SCC program looked at?</b></p> <p>Your eligibility and copayment information for the SCC program are looked at:</p> <ul style="list-style-type: none"> <li>(1) When you apply for the SCC program; and</li> <li>(2) At least every six months.</li> </ul>
<p><b>(NEW) 170-290-3830 Redetermination of SCC benefits.</b></p> <ul style="list-style-type: none"> <li>(1) At least every six months, the SCC contractor reviews a consumer's information to determine if he or she may keep</li> </ul>	<p><b>170-292-0140</b></p> <p><b>How are my SCC program subsidies reauthorized and when may they continue?</b></p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>receiving subsidies. A consumer may receive subsidy benefits for less than six months when:</p> <ul style="list-style-type: none"> <li>(a) The consumer's employer says that the consumer might be working less than six months; or</li> <li>(b) The consumer's child or children may not be eligible for the next six months because of their age.</li> </ul> <p>(2) The SCC contractor will:</p> <ul style="list-style-type: none"> <li>(a) Review the consumer's updated information; and</li> <li>(b) Redetermine the consumer's eligibility.</li> </ul>	<p>(1) Your SCC program subsidies are reauthorized by the SCC program authorizing worker who reviews your SCC program eligibility and will:</p> <ul style="list-style-type: none"> <li>(a) Request information related to your continued eligibility, prior to the end date of your current SCC program eligibility period;</li> <li>(b) Review the requested information; and</li> <li>(c) Determine if you are still eligible, according to DSHS established criteria.</li> </ul> <p>(2) Your SCC program subsidies may continue if:</p> <ul style="list-style-type: none"> <li>(a) You meet all program, income and work criteria for the SCC program as described in chapter 388-292 WAC;</li> <li>(b) Your provider is eligible for payment under WAC 388-292-0085.</li> </ul>
<p><b>(NEW) 170-290-3840 New eligibility period.</b></p> <p>(1) If a consumer wants to receive child care benefits for another eligibility period, he or she must reapply for SCC benefits before the end of the current eligibility period on the child care plan. To determine if a consumer is eligible, the consumer calls or comes into the SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date.</p> <p>(2) A consumer may be eligible for SCC benefits for a new eligibility period with no break in child care if:</p> <ul style="list-style-type: none"> <li>(a) The consumer calls or comes into the SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date;</li> <li>(b) The consumer's provider is eligible for payment</li> </ul>	<p><b>170-292-0140</b></p> <p><b>How are my SCC program subsidies reauthorized and when may they continue?</b></p> <p>(1) Your SCC program subsidies are reauthorized by the SCC program authorizing worker who reviews your SCC program eligibility and will:</p> <ul style="list-style-type: none"> <li>(a) Request information related to your continued eligibility, prior to the end date of your current SCC program eligibility period;</li> <li>(b) Review the requested information; and</li> <li>(c) Determine if you are still eligible, according to DSHS established criteria.</li> </ul> <p>(2) Your SCC program subsidies may continue if:</p> <ul style="list-style-type: none"> <li>(a) You meet all program, income and work criteria for the SCC program as described in chapter 388-292 WAC;</li> </ul>

The public comment deadline is July 18, 2009. Click [here](#) to find out how to attend a public hearing or send a comment.

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>under WAC 170-290-3750; and</p> <p>(c) The consumer meets all SCC eligibility requirements.</p> <p>(3) If the SCC contractor determines that a consumer is eligible for SCC benefits based on his or her application information, the SCC contractor notifies the consumer of the new eligibility period and copayment.</p> <p>(4) If a consumer fails to call or come into a SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date, he or she must reapply according to WAC 170-290-3665.</p>	<p>(b) Your provider is eligible for payment under WAC 388-292-0085.</p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
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PAYMENT DISCREPANCIES	
<p><b>(NEW) 170-290-3850 Payment discrepancies generally.</b> DEL child care subsidy payment discrepancies are described in WAC 170-290-0266 through 170-290-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for twelve months after the date of services.</p> <p><i>(Editor's note: the text of the proposed new and revised WAC 170-290-0266 through 0275 are below. These sections are located in the Working Connections Child Care portion of WAC chapter 170-290. )</i></p> <p><b>(NEW) 170-290-0266 Payment discrepancies--Generally.</b> (1) Payment discrepancies include both underpayments and overpayments. (2) For providers or consumers not covered under WAC 170-290-0267 through 170-290-0275, payment discrepancies are subject to chapter 388-410 WAC (benefit errors). (3) For providers covered under the collective bargaining agreement, all other payment discrepancy issues are covered under WAC 170-290-0275.</p> <p><b>(NEW) 170-290-0267 Payment discrepancies--Provider underpayments.</b> (1) Underpayments to a provider occur if DSHS pays less than the amount the provider is eligible to receive.</p>	<p><b>170-292-0155</b> <b>What is an overpayment and when might I receive one?</b> (1) An overpayment is payment for ineligible child care services; (2) You may receive a client overpayment notice, regardless if you are a current or past recipient, if: (a) You misrepresent your eligibility for the SCC program, or fail to report information that affects your eligibility; or (b) You use child care when you are not involved in approved activities (under WAC 388-292-0020). (3) Your overpayment is written by DSHS and you are expected to pay it back. (a) Overpayments are written starting the date that child care subsidies were paid but were not eligible at that payment amount; (b) DSHS reduces the overpayment by the amount of an underpayment when applicable.</p> <p><b>170-292-0160</b> <b>When might a child care provider receive an overpayment?</b> (1) A child care provider may receive a vendor overpayment notice when they receive ineligible payments. This includes payments for: (a) Child care that was not provided; (b) Services that are not allowed; or (c) Child care that is not supported by the provider's attendance records. (2) The provider's overpayment is written by DSHS and the child</p>

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<p>(2) Underpayment requests will only be considered by DSHS if the provider submitted his or her original invoice for payment to DSHS no later than twelve months after the date of service.</p> <p><b>(NEW) 170-290-0268 Payment discrepancies--Provider overpayments.</b> (1) An overpayment occurs when a provider receives a payment that is more than the provider is eligible to receive. DSHS establishes overpayments for providers when that provider:</p> <ul style="list-style-type: none"> <li>(a) Bills and receives payment for services not provided;</li> <li>(b) Does not have attendance records that comply with WAC 170-290-0138 and chapters 170-151, 170-295, or 170-296 WAC, or for in-home/relative providers as provided in this chapter. Only attendance records meeting WAC requirements will be accepted for attendance verification;</li> <li>(c) Bills and receives payment for more than they are eligible to bill; or</li> <li>(d) With respect to licensed or certified providers only, is caring for a WCCC child outside their licensed allowable age range without a waiver.</li> </ul> <p>(2) DEL's or DSHS's WCCC program staff may request documentation from a provider when preparing to establish an overpayment. The provider has fourteen consecutive calendar days to supply any requested documentation.</p> <p>(3) Providers are required to repay any payments that they were not eligible to receive.</p> <p>(4) If an overpayment was made through departmental error, the provider is still required to repay that amount.</p> <p>(5) When establishing an overpayment, DSHS reduces</p>	<p>care provider is expected to pay it back.</p> <ul style="list-style-type: none"> <li>(a) Overpayments are written starting the date that child care subsidies were over paid.</li> <li>(b) DSHS reduces the overpayment by the amount of an underpayment when applicable.</li> </ul>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>the overpayment by the amount of the underpayment when applicable.</p> <p>(6) Absent days can be added to an overpayment when care is used or billed when the consumer was not eligible as provided in WAC 170-290-0032 or care is billed incorrectly.</p> <p><b>(NEW) 170-290-0269 Payment discrepancies--Consumer underpayments.</b> If a copayment amount determined by DSHS for a consumer results in an underpayment, the consumer may request reimbursement within three years of the date of child care service, if he or she:</p> <p>(1) Meets all WCCC eligibility requirements during the time he or she is claiming an underpayment; and</p> <p>(2) Verifies all copayments made by the consumer to the provider during the time the consumer is claiming an underpayment.</p> <p><b>(AMENDED) 170-290-0271 ((When might I get an)) <u>Payment discrepancies--Consumer overpayments(?)</u>.</b> <del>((You get WCCC overpayments whether you are a current or past WCCC consumer, when we make payment for WCCC benefits and))</del> <u>(1) DSHS establishes overpayments for past or current consumers when:</u></p> <p><del>((1) You are))</del> <u>(a) The consumer is</u> no longer eligible <del>((or you are))</del> <u>for benefits;</u></p> <p><u>(b) The consumer is</u> eligible for a smaller amount of care <u>than authorized</u>, such as using care for an unapproved activity or for children not in <del>((you))</del> <u>his or her</u> WCCC household;</p> <p><del>((2) You))</del> <u>(c) The consumer</u> fails to report information</p>	



PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>to <del>((us))</del> DSHS that results in an error in <del>((our determination of: (a) Your))</del> determining eligibility(<del>(;</del>);</p> <p><del>((b) The))</del>, amount of care authorized(<del>(;</del>);), or</p> <p><del>((c) The amount of your))</del> copayment(<del>(;</del>););</p> <p><del>((3) Your))</del> (d) The consumer's provider is not an eligible provider per WAC <del>((388-290-0140))</del> 170-290-0125; or</p> <p><del>((4) Your))</del> (e) The consumer's child is not eligible per WAC <del>((388-290-0015 or 388-290-0020))</del> 170-290-0015 or 170-290-0020.</p> <p><u>(2) DEL's or DSHS's staff may request documentation from a consumer when preparing to establish an overpayment. The consumer has fourteen consecutive calendar days to supply any requested documentation.</u></p> <p><u>(3) Consumers are required to repay any benefits paid by DSHS that they were not eligible to receive.</u></p> <p><u>(4) If an overpayment was made through departmental error, the consumer is still required to repay that amount.</u></p> <p><u>(5) When establishing an overpayment, DSHS reduces the overpayment by the amount of the underpayment when applicable.</u></p> <p><u>(6) Absent days can be added to an overpayment when care is used or billed when the consumer was not eligible as provided in WAC 170-290-0032 or care is billed incorrectly.</u></p> <p><b>(NEW) 170-290-0275 Payment discrepancies--Providers covered under collective bargaining.</b> (1) This section applies to any provider covered under the collective bargaining agreement.</p> <p>(2) For in-home/relative and licensed family home child care providers, disputes regarding underpayments shall be</p>	

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>grievable.</p> <p>(3) Beginning July 1, 2007, there are different time frames for how far back a payment discrepancy may be corrected. The time frames, as provided in this subsection are based on:</p> <ul style="list-style-type: none"> <li>(a) When services were provided;</li> <li>(b) When the request for the underpayment was made;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(c) The type of provider: Family home or in-home/relative provider.</li> </ul> <p>(4) Family home and in-home/relative providers must submit a claim for payment no later than twelve months after the date of service. "Submitting a claim for payment" means turning the original invoice in to DSHS for services no later than twelve months after the date of service. If the claim for payment is made within the twelve-month period, the time limits for correcting payment errors are:</p> <ul style="list-style-type: none"> <li>(a) Two years back if the error is on rates paid by age and/or region, unless discovered by a federal audit. This means the provider has up to two years after the date of service to ask for a corrected payment; or</li> <li>(b) Three years back if the error was for any other reason, including those discovered by a federal audit. This means the provider has up to three years after the date of service to ask for a corrected payment.</li> </ul>	
<p><b>(NEW) 170-290-3855</b></p> <p><b>Termination of and redetermining eligibility for benefits</b></p> <p>(1) A consumer's continued eligibility for SCC program subsidies stops when:</p>	<p><b>170-292-0030</b></p> <p><b>When might my ongoing eligibility for SCC subsidies stop, and when might I be eligible again?</b></p> <p>(1) Your continued eligibility for SCC program subsidies stops</p>

PROPOSED NEW AND REVISED WAC	CURRENT SCC WAC (Will be repealed)
<p>(a) The consumer's monthly copayment is higher than the state maximum monthly rate for all of the consumer's children in care; or</p> <p>(b) The consumer:</p> <p>(i) Is not participating in an approved activity as defined in WAC 170-290-3555;</p> <p>(ii) Does not meet other SCC eligibility requirements related to family size, income and approved activities;</p> <p>(iii) Does not pay the copayment fees to the consumer's child care provider or does not make mutually acceptable arrangements with the consumer's child care provider for their payment; or</p> <p>(iv) Refuses to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.</p> <p>(2) A consumer might be eligible for SCC program subsidies again when:</p> <p>(a) The consumer meets all SCC program eligibility requirements;</p> <p>(b) The consumer paid back copayment fees or made mutually acceptable payment arrangements with his or her child care provider; or</p> <p>(c) The consumer cooperated with the quality assurance review process or with the DSHS division of fraud investigations.</p>	<p>when you:</p> <p>(a) Are not participating in an approved activity as defined in WAC 388-292-0020;</p> <p>(b) Are found at your review to no longer meet eligibility criteria;</p> <p>(c) Do not complete the requested review information before the deadline noted in WAC 388-292-0140; or</p> <p>(d) Do not pay the copayment fees to your child care provider or do not make mutually acceptable arrangements with your child care provider for their payment.</p> <p>(e) Refuse to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.</p> <p>(2) You might be eligible for SCC program subsidies again when:</p> <p>(a) You meet all SCC program eligibility requirements; and</p> <p>(b) Copayment fees are paid to your child care provider or mutually acceptable arrangements for their payment are made with your child care provider.</p> <p>(c) Cooperate with investigations conducted by quality assurance or division of fraud.</p>
ADMINISTRATIVE HEARINGS – SCC	
<p><b>(NEW) 170-290-3860 Right to request an administrative hearing.</b></p> <p>(1) SCC consumers have a right to request a hearing under</p>	<p><b>170-292-0075</b></p> <p><b>Do I have the right to ask for a hearing regarding SCC program subsidy payments, and how do I request one?</b></p>

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<p>chapters 170-03 WAC and 34.05 RCW on any action affecting SCC benefits except for mass changes resulting from a change in policy or law.</p> <p>(2) Licensed or certified child care providers may request hearings under this chapter, chapters 170-03 WAC and 34.05 RCW, only for SCC overpayments.</p> <p>(3) To request an administrative hearing, consumers must write to the office of administrative hearings at the address in WAC 170-03-0070 within ninety days of the date any decision of an action is received.</p>	<p>You have the right to request a hearing regarding your SCC program subsidy payments under chapter 388-02 WAC:</p> <p>(1) On any action affecting your SCC program subsidy payments, except for mass changes that result from a change in policy or law.</p> <p>(2) By writing to the Office of Administrative Hearings, at the address in WAC 388-02-0025(1) within ninety days of the date any decision of an action is received.</p>
<p><b>(NEW) 170-290-3865 Receipt of SCC benefits pending the outcome of an administrative hearing.</b></p> <p>1) A consumer may receive SCC benefits while waiting for the outcome of a hearing, if he or she is currently authorized for the SCC program and:</p> <p style="padding-left: 40px;">(a) The consumer requests a hearing:</p> <p style="padding-left: 80px;">(i) On or before the effective date of an action; or</p> <p style="padding-left: 80px;">(ii) No more than ten days after the consumer receives a notice of adverse action ("adverse action" for the purposes of this section means an action to reduce or terminate the consumer's SCC subsidies); or</p> <p style="padding-left: 40px;">(b) The consumer requests payments for child care payable to an eligible provider according to WAC 170-290-3750.</p> <p>(2) If a consumer loses a hearing, any SCC program benefit that a consumer uses between the date of the adverse action and the date of the hearing decision (final order) is an overpayment to the consumer.</p>	<p><b>170-292-0080</b></p> <p><b>Can I use SCC programs subsidies while waiting for the outcome of a hearing, and when might it need to be repaid?</b></p> <p>(1) You can use SCC program subsidies while waiting for the outcome of a hearing, if you are currently authorized for the SCC program and:</p> <p style="padding-left: 40px;">(a) You request a hearing:</p> <p style="padding-left: 80px;">(i) On or before the effective date of an action; or</p> <p style="padding-left: 80px;">(ii) No more than ten days after you are sent a notice of adverse action. "<b>Adverse action</b>" means an action to reduce or terminate your SCC subsidies.</p> <p style="padding-left: 40px;">(b) You request payments for child care payable to an eligible provider (under WAC 388-292-0100 and 388-292-0085).</p> <p>(2) If you lose a hearing, any SCC program subsidies you use between the date of the adverse action and the date of the hearing or hearing decision is an overpayment to you and will need to be repaid to DSHS.</p>